



Department of Justice

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BILLBOARD MANUFACTURER PLEADS GUILTY TO HAZARDOUS WASTE RELATED CHARGES

WASHINGTON—Selective Structures L.L.C. pleaded guilty and was sentenced today for illegally storing hazardous waste at its facility in Athens, Tenn., announced Ignacia S. Moreno Assistant Attorney General for the Environment and Natural Resources Division and James R. Dedrick, U.S. Attorney for the Eastern District of Tennessee.

Thomas Varlan, U.S. District Judge for the Eastern District of Tennessee, sentenced Selective Structures to pay an \$80,000 criminal fine and \$179,174.18 in penalties and damages to the Tennessee Department of Environment and Conservation. Additionally, the company was placed on probation for 37 months to allow it time to pay the fines, penalties and damages. Selective Structures was also required to hire an outside consultant to conduct quarterly environmental compliance audits while it is on probation and report the results of the audits to the Department of Justice.

Selective Structures operates a facility in Athens where it builds support structures for roadside signs and billboards. During the course of its manufacturing process, hazardous waste was generated in the form of spent solvents mixed with other paint waste. Selective Structures used a Xylene-based solvent, which is a listed hazardous waste, and is highly ignitable. Additionally, exposure to Xylene can cause skin irritation, headache, dizziness, nausea and vomiting.

Under the Resource Conservation and Recovery Act, Selective Structures was required to use a licensed waste management company to transport the spent Xylene solvent to a licensed facility for disposal. However, Selective Structures accumulated and stored the spent Xylene solvent on its property, rather than having it handled at an approved hazardous waste disposal facility.

After the company accumulated more than 60 55-gallon drums of spent Xylene solvent on the property, its employees attempted to dispose of the hazardous waste by pouring drums of it into large pile of sawdust and mixing it with pitchforks. The Tennessee Department of Environment and Conservation conducted an inspection, discovered the illegal activities and as a result required that the hazardous waste be disposed of properly. Additionally, special agents of the U.S. Environmental Protection Agency's (EPA) Criminal Investigation Division executed a federal search warrant at the

facility in April 2008 and obtained samples which confirmed that hazardous wastes were being illegally stored on site.

“Companies that handle hazardous waste must follow the proper procedures in order to appropriately dispose of the materials. Dumping Xylene, a dangerous chemical, on a pile of sawdust and then mixing it with pitchforks was completely unacceptable,” said Assistant Attorney General Moreno. “We will continue to prosecute companies and individuals that choose to ignore the law and put human health and the environment at risk.”

U.S. Attorney James R. Dedrick said, “This prosecution reflects the commitment of the Department of Justice to aggressively investigate and prosecute businesses that purposely flaunt the environmental laws that are in place to protect human health and the environment.”

“Hazardous wastes must be stored and managed properly to ensure community, worker and environmental safety,” said Maureen O’Mara, Special Agent-in-Charge of EPA’s criminal enforcement program in Atlanta. “Individuals who refuse to ‘play by the rules’ put the public and the environment at risk and they will be prosecuted.”

The investigation was conducted by the EPA’s Criminal Investigation Division. The case was handled by prosecutors in the Environmental Crimes Section of the Justice Department and the U.S. Attorney’s Office for the Eastern District of Tennessee.

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